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November 30, 1995

BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

DOCKET FILE COPY CHAIRMAN

Re: **In the Matter of Revision of Rules and Policies
for the Direct Broadcast Satellite Service
IB Docket No. 95-168 and PP Docket No. 93-253**

Dear Mr. Caton:

Transmitted herewith on behalf of the State of Alaska are an original and nine copies of "Reply Comments of the State of Alaska" in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


Robert M. Halperin

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
Revision of Rules and Policies)	IB Docket No. 95-168
for the Direct Broadcast Satellite)	PP Docket No. 93-253
Service)	

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REPLY COMMENTS OF THE STATE OF ALASKA

The State of Alaska ("the State" or "Alaska") agrees with the statements by the Commission in its Notice of Proposed Rulemaking, FCC 95-443 (released October 30, 1995) ("Notice") and the comments filed by the State of Hawaii in this docket on November 20, 1995, concerning the measures necessary to ensure adequate DBS service to Alaska as well as Hawaii.

All new DBS permittees, including permittees for eastern orbital slots, should be required to provide service to Alaska and Hawaii. Existing permittees of western orbital slots should have their permits revoked, cancelled or rescinded should they fail to satisfy this requirement. New permittees of eastern orbital slots should not be relieved of this requirement unless they can show in a waiver petition that service to Alaska and Hawaii is not technically feasible; no such waiver petition should be entertained from existing or new permittees of western orbital slots. If service to Alaska is technically feasible from an eastern orbital slot, but service to Hawaii from such a slot is not technically feasible, service to

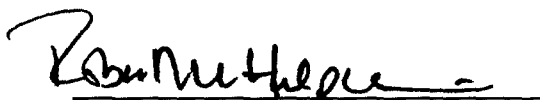
Alaska should nonetheless be required. All permittees should be required to comply with the due diligence requirements proposed in the Notice.

Two commenters -- BellSouth Corporation (at page 10 of its comments) and United States Broadcasting Company, Inc. (at page 10 of its comments) -- suggest that regulations requiring DBS permittees to serve Alaska and Hawaii if technically feasible are not necessary. The State notes only that adequate DBS service has not been provided in Alaska and Hawaii to date and there is no reason to assume that such service will be provided absent regulatory directive. In this case, if the directive is superfluous, no harm is done. If it is not superfluous, it is necessary and required by the universal service mandates of the Communications Act of 1934, as amended. 47 U.S.C. § 151 (the Commission is obligated to "make available so far as possible, to all the people of the United States, a rapid, efficient, Nation-wide . . . wire and radio communication service").

To comply with that statutory mandate, the Commission should require that DBS service to Alaska (and Hawaii) be offered on terms and be of a quality as equivalent as technically possible to the service offered to others in the United States. Contrary to the suggestions made by some commenters (Comments of MCI Telecommunications Corporation at page 23; Comments of DIRECTV, Inc. at 25-26), the Commission should not explicitly or implicitly permit DBS providers to require Alaskans to use satellite dishes that are larger than those needed for DBS service elsewhere. Because the manufacturing economies of scale are not likely to be the same with respect to satellite dishes manufactured solely or principally for

Alaska and Hawaii users as they are with respect to satellite dishes manufactured for use in the other 48 states, signal characteristics that require Alaskans to use larger satellite dishes will economically discriminate against Alaskans.

Respectfully submitted,



Robert M. Halperin

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November 30, 1995

CERTIFICATE OF SERVICE

I hereby certify on behalf of The State of Alaska that a true and correct copy of the foregoing "Reply Comments of the State of Alaska" were served by first class U.S. mail, postage prepaid, upon the counsel of record as indicated on the attached service list.

A handwritten signature in black ink, appearing to read "Robbin R. McKeever", written over a horizontal line.

Robbin R. McKeever

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